

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

Pre-Confirmation Modified

Chapter 13 Plan

Batsell, Dale Dorsie

Dated 10/25/04

Case No. 04-44429

DEBTOR(S)
In a joint case, debtor
means debtors in this plan

1. PAYMENTS BY THE DEBTOR-

- a. As of the date of the plan, the debtor has paid the Trustee \$ _____.
- b. After the date of this plan, the debtor will pay the trustee \$ 400 per month for 60 months, beginning within 30 days after filing this plan for a total of \$ 24000 or until all allowed claims are paid in full, whichever happens first.
- c. The debtor will also pay the trustee _____.
- d. The debtor will pay the trustee a total of \$ 24000 [line 1a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE - The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 2,400.00 or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate & be paid following confirmation.

3. PRIORITY CLAIMS - The trustee shall pay in full all claims entitled to priority under sec. 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 1250	\$ 90/80	1/14	14	\$ 1250
b. Internal Revenue Service	\$ 13720	\$ Pro Rata			\$ 13720
c. Minn. Dept. of Revenue	\$ 5781	\$ Pro Rata			\$ 5781
d.	\$	\$			\$
e.	\$	\$			\$
f. TOTAL					\$ 20751

SECURED CLAIMS NOT IN DEFAULT - The following creditors have secured claims. Payments are current & the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a.
b.

5. HOME MORTGAGES IN DEFAULT - The trustee will cure defaults on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

CREDITOR	AMOUNT OF DEFAULT	MONTHLY PAYMENT	BEGINNING IN MONTH #	NUMBER OF PAYMENTS	TOTAL PAYMENTS
a.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
d. TOTAL					\$

6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT - The trustee will cure defaults on other claims as follows & the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

CREDITOR	AMOUNT OF DEFAULT	MONTHLY PAYMENT	BEGINNING IN MONTH #	NUMBER OF PAYMENTS	TOTAL PAYMENTS
a.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
TOTAL					\$

7. **OTHER SECURED CLAIMS-** The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim. The creditor's allowed claim shall be the creditor's claim or the value of the creditor's interest in the debtor's property, whichever is less. Except for the IRS creditors shall retain their liens until their secured claim is paid in full, at which time property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor. **NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. SEC. 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. SEC. 506(A).**

CREDITOR	% INT RATE	CLAIM AMOUNT	SECURED CLAIM	ESTIMATED MONTHLY PAYMENT	ESTIMATED BEGINNING IN MONTH #	ESTIMATED NUMBER OF PAYMENTS	TOTAL
a.		\$	\$	\$			
b.		\$	\$	\$			
c.		\$	\$	\$			
d.		\$	\$	\$			
e.		\$	\$	\$			
f.		\$	\$	\$			
g. TOTAL							

8. **SEPARATE CLASS OF UNSECURED CREDITORS-**In addition to the class of unsecured creditors specified in paragraph, there shall be a separate class of nonpriority unsecured creditors described as follows:

- a. The debtor estimates that the total claims in this class are \$ _____.
- b. The trustee will pay this class \$ _____.

9. **TIMELY FILED UNSECURED CREDITORS-**The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under paragraphs 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 849.00 [line 1(d) minus lines 2, 3(c), 5(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are _____
- b. The debtor estimates that the total unsecured claims (excluding those in paragraphs 7 & 8 are \$ 41,872
- c. Total estimated unsecured claims are \$ 41,872 [line 9(a) plus line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS-**All money paid by the debtor to the trustee under paragraph 1, but not distributed by the trustee under paragraphs 2,3,5,6,7,8 or 9 shall be paid to holders of nonpriority unsecured claims for which proof of claim were tardily filed.

11. **OTHER PROVISIONS -** To the extent that Child Support is an unsecured claim for AFDC reimbursement, it shall be designated a separate class and paid in full. If property tax claims are filed as secured claims, they shall be paid as secured claims, but they shall be paid as set forth in Paragraph 3 or as set forth in Paragraph 6 above.

Please note: Child Support Collections is authorized to continue automatic wage withholding for ongoing, post-petition child support. Child Support Collections may obtain, modify & enforce the debtor's current ongoing child support obligation, including medical support & child care, including wage withholding. All of the debtor's projected disposable income in the 3 year period beginning on the date that the first plan payment is due will be applied to make payments under the plan.

Any non-exempt proceeds from personal injury claims shall be turned over to the trustee. Claims filed as secured, but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 9 above.

-The debtor will file as and when due, without seeking extensions of time, any and all post petition federal income taxes and will timely pay any post petition federal income taxes. Should the debtor default on the timely filing of returns, and/or payment of federal income tax, the IRS will be entitled to an ex-parte order for dismissal of this case without notice or hearing on the filing of an affidavit with the Court that attests to such default and also that the Internal Revenue Service had mailed a letter by first class mail to debt and debtor's counsel that gave notice of said default and a 90 day period to cure and that such a cure had not been performed.

12. **SUMMARY OF PAYMENTS ESTIMATED**

Trustee's fee [Line 2]	\$ 2,400.00
Priority Claims [Line 3(f)]	\$ 20,751.00
Home Mortgage Defaults [Line 5(d)]	
Long-Term Debt Defaults [Line 6(d)]	
Other Secured Claims [Line 7(g)]	
Separate Class [Line 8(b)]	
Unsecured Creditors [Line 9]	\$ 849.00
TOTAL [Must equal Line 1(d)]	\$ 24,000.00

Law Office of Curtis K. Walker
Curtis K. Walker, #113906
Thayer A. K. Butler, #200815
Mary C. Hoben, #335411
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357

Signed 6/
Debtor

Signed _____
Debtor (joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Dale Batsell

Debtor(s)

SIGNATURE DECLARATION

Case no. BKY 04-44429

☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [WE], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

- * The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- * The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- * [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- * I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- * [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 10-25-04

X Dale Batsell
Signature of Debtor or Authorized Representative

X _____
Signature of Joint Debtor

DALE BATSELL
Printed Name of Debtor or Authorized Representative

Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:
Batsell, Dale Dorsie

Case no. BKY 04-44429

Chapter 13 case

Debtor(s),

NOTICE OF CONFIRMATION HEARING
AND NOTICE OF MODIFIED PLAN

To: The Chapter 13 Trustee, The U.S. Trustee, and the other entities specified in Local Rule 1007-2(a):

1. The debtor(s) have filed a modified plan and it will be considered at the Confirmation Hearing in this case set forth below.
2. The court will hold a hearing on this motion at 10:30 a.m. on December 2, 2004 in U.S. Courthouse, Suite 7 West, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Nancy C. Dreher, Bankruptcy Judge.

Dated:

/e/ Curtis K. Walker
/e/ Thayer A.K. Butler
Curtis K. Walker, #113906
Thayer A.K. Butler, #200815
Attorney for Debtor(s)
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:
Batsell, Dale Dorsie

Case no. BKY 04-44429

Chapter 13 case

Debtor(s),

UNSWORN CERTIFICATE OF SERVICE

I, Meara White declare under penalty of perjury that on October 25, 2004, I mailed copies of the foregoing Modified Plan and Notice of Confirmation Hearing and Notice of Modified Plan by first class mail postage prepaid to each entity named below at the address stated below for each entity:

United States Trustee
1015 U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Jasmine Z. Keller, Chapter 13 Trustee
310 Plymouth Building
Minneapolis, MN 55402

All Creditors on attached list

Executed on: October 25, 2004
White

_____/e/ Meara

BRUCE W VAIL
REVENUE COLLECTION OFFICER
551 BKY SECTION PO BOX 64447

ST PAUL MN 55164

INTERNAL REVENUE SERVICE
ROOM320 STOP 5700
316 NO ROBERT ST
ST PAUL MN 55101

ALLIED INTERNATIONAL CREDIT CORP
2101 WEST PEORIA SUITE 120
PHOENIX AZ 85029-4925

ALLIED INTERSTATE
800 INTERCHANGE WEST 435 FORD
MINNEAPOLIS MN 55426-1096

ALLIED INTERSTATE
PO BOX 361598
COLUMBUS OH 43236-1598

ALLIED INTERSTATE
PO BOX 480
NEW HYDE PARK NY 11040

AMERICREDIT
PO BOX 78143
PHOENIX AZ 85062-8143

AMERICAN ACCOUNTS & ADVISORS

3904 CEDARVALE DRIVE
EAGAN MN 55122

BANK ONE
PO BOX 14096

LEXINGTON KY 40512

FIRST REVENUE ASSURANCE
PO BOX 5818
DENVER, CO 80217

IMC MORTGAGE
5901 EAST FOWLER AVE
TAMPA FL 33617

INTERNAL REVENUE SERVICE
ROOM320 STOP 5700
316 NO ROBERT ST
ST PAUL MN 55101

LEWORD BEATTY
NO ADDRESS PROVIDED

RICHARD W WEISBECKER, DDS
710 19TH AVE N, SUITE 300
S ST PAUL, MN 55075-1393

SOCIAL SECURITY ADMINISTRATION
601 E 12TH ST FEDERAL BLDG
KANSAS CITY, MO 64106-2859

SPRINGER COLLECTIONS
876 E 7TH ST
ST PAUL MN 55106-4590

T MOBILE

CUSTOMER RELATIONS
PO BOX 37380
ALBUQUERQUE NM 87176

VENGROFF, WILLIAMS &
777 LARKFIELD RD SUITE 116

COMMACK, NY 11725

VERIZON WIRELESS
PO BOX 553
WARRENDALE PA 15086-0553

WASTE MANAGEMENT
12448 PENNSLYVANIA AVENUE SOUTH
SAVAGE, MN 55378-1199